

United States Government

NATIONAL LABOR RELATIONS BOARD

Region 8

1240 East 9th Street - Room 1695

Cleveland, OH 44199-2086

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www.nlrb.gov

May 31, 2006

Susan Lauren Shelko
Ohio Nurses Association a/w American
Nurses Association/United American Nurses
4000 East Main Street
Columbus, OH 43213

Re: Kaiser Foundation Health Plan
Case No. 8-UC-394

Dear Ms. Shelko:

The above-captioned case, petitioning for unit clarification under Section 9 of the National Labor Relations Act, has been carefully investigated and considered.

You filed a unit clarification petition seeking the accretion of certain soon to-be-hired registered nurses (RN)s into an existing RN unit at the Cleveland Heights, Ohio medical offices of Kaiser Foundation Health Plan (the Employer).

The investigation revealed that the Employer will open a newly constructed Emergency Department, Clinical Decision Unit, Radiology and related services at their Cleveland Heights facility on or about June 24, 2006 and will hire approximately forty five registered nurses to staff the departments. Offers of employment have been made and accepted but the registered nurses are not yet working at the new facility.

Because the registered nurses have not begun their employment and the facility is not yet open, it is premature to process a unit clarification petition at this time. In addition, another union filed a unit clarification petition seeking to include the same group of individuals into its existing bargaining unit. Therefore, a question concerning the representation of these employees may exist, which should be resolved by a Board-conducted election.

Based on all the above, I am dismissing your Petition.

Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing a request therefore with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board,

Washington, D.C., 20570. A copy of such request for review must be served on the Regional Director and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for review (eight copies) must be received by the Executive Secretary of the Board in Washington, D.C., by the close of business on **June 14, 2006**. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C., and a copy of any such request for extension of time should be submitted to the Regional Director, and to each of the other parties to this proceeding.

The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail.

Very truly yours,

Frederick J. Calatrello
Regional Director

FJC/tms

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

cc: Executive Secretary
National Labor Relations Board
Washington DC 20570

Kaiser Foundation Health Plan
Attn: Timothy Alberts Sr., Dir. HR
North Point Tower
1001 Lakeside Ave., Suite 1200
Cleveland, OH 44114

Rosemary Wiggins, Senior
Human Resource Consultant
North Point Tower
1001 Lakeside Ave., Suite 1200
Cleveland, Oh 44114